

ORDINANCE NO. 95- 52

ORDINANCE OF THE BOARD OF COUNTY COMMISSIONERS
OF PALM BEACH COUNTY, FLORIDA, AMENDING
ORDINANCE NO. 94-10, KNOWN AS THE WATER AND
SEWER SPECIAL ASSESSMENT ORDINANCE; PROVIDING
FOR PRIORITY OF LIEN, INTEREST, AND METHOD OF
PAYMENT OF SPECIAL ASSESSMENTS; PROVIDING FOR
A SAVINGS CLAUSE; PROVIDING FOR REPEAL OF
ORDINANCES AND LAWS IN CONFLICT; PROVIDING FOR
SEVERABILITY; PROVIDING FOR INCLUSION IN THE
CODE OF LAWS AND ORDINANCES; AND PROVIDING FOR
AN EFFECTIVE DATE

WHEREAS, the Board of County Commissioners of Palm Beach
County, Florida, desires to promote public health, safety and
welfare by encouraging the conversion of wells and/or septic tanks
to County water and/or sanitary sewer facilities through the
construction or reconstruction of water and/or sewer lines which
will improve the distribution of water and sanitary sewer
facilities throughout the services area of the Palm Beach County
Water Utilities Department, and

WHEREAS, the Board of County Commissioners of Palm Beach
County, Florida, enacted Ordinance No. 94-10 to provide a financial
vehicle for a continuing program to improve water distribution and
sanitary sewer facilities through special assessments upon property
specially benefitting from such improvements; and

WHEREAS, in an effort to better serve the citizens of
Palm Beach County and to ease the financial burden on benefitted
property owners, the Board of County Commissioners of Palm Beach
County, Florida, desires to amend Ordinance No. 94-10 by increasing
the number of years allowed to pay special assessments from not
more than ten (10) years to not more than twenty (20) years under
certain conditions as set forth in a policy and procedure regarding
the term of payment for water and/or sewer special assessment
projects; and

WHEREAS, the Board of County Commissioners of Palm Beach
County, Florida, hereby exercises its authority to adopt this
Ordinance under Chapter 125, Florida Statutes.

NOW, THEREFORE, BE IT ORDAINED BY THE BOARD OF COUNTY
COMMISSIONERS OF PALM BEACH COUNTY, FLORIDA, that:

1 **SECTION 1:** Section 7(B) of Ordinance No. 94-10 is hereby
2 amended to read as follows:

3 B. PRIORITY OF LIEN, INTEREST, AND METHOD OF PAYMENT
4 OF SPECIAL ASSESSMENTS

5 Special assessments shall remain a lien, inferior to the
6 lien of all federal, state, county, district and municipal taxes,
7 but superior to all other liens, titles, and claims until paid.

8 All liens shall bear interest at a rate not to exceed 10%
9 per year from the date of acceptance of said improvement and may,
10 by Resolution, be made payable in not more than ~~ten (10)~~ twenty
11 (20) equal annual installments, if installments are approved by the
12 Board. Said assessments may be paid without interest at any time
13 within thirty (30) days after the improvement is completed and a
14 motion accepting said improvement has been adopted by the Board or
15 accepted by the Board's authorized representative(s). However, if
16 assessment is not paid when due, there shall be additional interest
17 at a rate of 10% per year, upon the due but unpaid installment(s)
18 or portions thereof outstanding at the end of each month, added to
19 the outstanding assessment balance.

20 **SECTION 2: SAVINGS CLAUSE**

21 This Ordinance shall not affect or impair the processing
22 and implementation of any improvement project commenced under the
23 provisions of Ordinance Nos. 91-41, 93-26 or 94-10. All projects
24 initiated under said Ordinances and all assessments thereupon shall
25 be deemed valid and in full force and effect.

26 **SECTION 3: REPEAL OF LAWS IN CONFLICT**

27 All local laws and ordinances in conflict with any
28 provisions of this Ordinance are hereby repealed to the extent of
29 such conflict.

30 **SECTION 4: SEVERABILITY**

31 If any section, paragraph, sentence, clause, phrase, or
32 word of this Ordinance is for any reason held by the Court to be
33 unconstitutional, inoperative or void, such holding shall not
34 affect the remainder of this Ordinance.

1 **SECTION 5: INCLUSION IN THE CODE OF LAWS AND ORDINANCES**

2 The provisions of this Ordinance shall become and be made
3 a part of the Code of Laws and Ordinances of Palm Beach County,
4 Florida. The Sections of this Ordinance may be renumbered or
5 relettered to accomplish such, and the word "ordinance" may be
6 changed to "section," "article," or any other appropriate word.

7 **SECTION 6: EFFECTIVE DATE**

8 The provisions of this Ordinance shall become effective
9 on February 1, 1996.

10 **APPROVED AND ADOPTED** by the Board of County Commissioners
11 of Palm Beach County, Florida, this 21st day of NOVEMBER,
12 1995.

13 DOROTHY H. WILKEN, CLERK
14

PALM BEACH COUNTY, FLORIDA, BY ITS
BOARD OF COUNTY COMMISSIONERS

15 By _____
16 Deputy Clerk

By _____
Chair

17 APPROVED AS TO FORM AND
18 LEGAL SUFFICIENCY

19 By _____
20 County Attorney

21 Filed with the Department of State on the 28th day of
22 November, 1995, at N/A .M.

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STATE OF FLORIDA, COUNTY OF PALM BEACH
I, DOROTHY H. WILKEN, ex-officio Clerk of
Board of County Commissioners certify this to be
true and correct copy of the original filed in my office
on 11/21/95
DATED at West Palm Beach, FL on 12/7/95
DOROTHY H. WILKEN, Clerk
By: Phyllis A. House D.

**FLORIDA COUNTY ORDINANCE DATA RETRIEVAL SYSTEM
CODRS CODING FORM**

Instructions: Florida's Department of State, Bureau of Administrative Code has developed the County Ordinance Data Retrieval System (CODRS) to facilitate the tracking of County ordinances in Florida's 67 Counties. CODRS' data base is composed of over 25,000 county ordinances enacted since 1974.

We request your cooperation in completing this coding form. It is to be completed whenever your county enacts a new ordinance. Simply complete this form and include it with other pertinent ordinance information that is submitted to the Bureau of Administrative Code.

To code this form properly, please refer to the "keyfields" description sheet that has been given to your County Attorney's Office. If you do not have this sheet please contact the Bureau. We will be happy to fax one to you for referencing purposes. Please fill out this form as completely as is possible.

Thank you for your assistance. Should you need further assistance please contact the Bureau of Administrative Code, Department of State at (904)-488-8427 or Suncom 278-8427.

COUNTY: (PALM BEACH)	COUNTY ORDINANCE # () (e.g., 93-001)
PRIMARY KEYFIELD DESCRIPTOR: (WATER AND SEWER)	
SECONDARY KEYFIELD DESCRIPTOR: (ASSESSMENTS)	
OTHER KEYFIELD DESCRIPTOR: (LOCAL GOVERNMENT)	
ORDINANCE DESCRIPTION: (WATER & SEWER SPECIAL ASSESS) (25 characters maximum including spaces)	
ORDINANCES AMENDED: (List below the ordinances that are amended by this legislation. If more than two, list the most recent two.)	
AMENDMENT # 1: (94-10); AMENDMENT # 2: ()	
ORDINANCES REPEALED: (List below the ordinances that are repealed by this legislation.)	
REPEAL # 1: (); REPEAL # 3: (); REPEAL # 2: (); REPEAL # 4: ();	
(Others repealed: list all that apply):	

(FOR OFFICE USE ONLY):	COUNTY CODE NUMBER: ()
KEYFIELD 1 CODE: ()	KEYFIELD 2 CODE: ()
KEYFIELD 3 CODE: ()	Rev. 6/29/00